

REMARKS

Claims 1-3 are pending in this application, of which claim 3 is added. The specification is amended. Filed concurrently with the present amendment is a Request for Approval of Drawing Changes.

Claim 1 stands rejected under 35 U.S.C. § 102(a) as anticipated by **Yagasaki et al.** (U.S. Patent No. 6,334,830). Applicants respectfully traverse this rejection as improper.

Claim 1 describes a belt with metal elements that comprise an element body such that “the folding-resistant strength of the element body (34) is uniform laterally.” (The quoted text is recited in the claim. See page 20, lines 8-10, of the application.) The applied prior art, **Yagasaki et al.**, does not teach this feature, so the rejection should be withdrawn.

Applicants acknowledge the identification of the **Yagasaki et al.** body portion 3 as supposedly anticipating the claimed “element body.” (See the Office Action, page 2, bottom.) However, the Office Action does not present any explanation of how the folding-resistant strength of body portion 3 is uniform laterally, which would be necessary to anticipate the claim 1 feature identified above. Therefore, the anticipation rejection has not been justified.

Applicants of course acknowledge the reference in the Office Action to the **Yagasaki et al.** Fig. 1, and applicants further acknowledge the Office Action’s photocopy of Fig. 1, upon which dashed lines are drawn and labeled are supplied. Applicants appreciate the detail provided by the Examiner in preparing the Office Action.

Nonetheless, it is not clear how the **Yagasaki et al.** body portion 3 supposedly anticipates the claim 1 feature quoted above. Although applicants do not desire to mischaracterize the

anticipation arguments provided in the Office Action, applicants can infer that the presence of the photocopy of Fig. 1, with the added dashed lines and labels, implies that the rejection is based in part on the proportions of the depicted features as supporting the rejection.

However, although drawings may be relied upon as prior art in some circumstances, MPEP § 2125 (see page 2100-62, top) specifically states that proportions of features in drawings are not evidence of actual proportions if there is no indication that the drawings are to scale. Applicants find no such indication in the **Yagasaki et al.** disclosure, and no such indication is provided in the Office Action. Accordingly, applicants respectfully submit that Fig. 1 cannot provide support for anticipating the claim 1 feature identified above.

Due to the lack of any identified teaching in **Yagasaki et al.** that the folding-resistant strength of body portion 3 is uniform laterally along its saddle surface 1, applicants respectfully submit that the anticipation rejection of claim 1 is improper. Accordingly, withdrawal of the anticipation rejection is now solicited.

In another matter, applicants add new claim 3 as shown above. Applicants submit that claim 3, like claim 1, is allowable over the applied prior art. Claim 3 also recites the equation provided in the specification on page 12, so therefore claim 3 is allowable over the applied prior art for this additional reason.

Applicants appreciate the indication that claim 2 would be allowable if rewritten in independent form. However, as discussed above, claim 1, from which claim 2 depends, should be found allowable, so it is unnecessary to rewrite claim 2.

As a final matter, applicants amend the specification and propose corresponding changes to

the drawings to correct an informality. No new matter is added.

In view of the amendments and remarks above, applicants now submit that the entire application is in condition for allowance. Accordingly, a Notice of Allowability is hereby requested. If for any reason it is felt that this application is not now in condition for allowance, the Examiner is invited to contact applicants' undersigned attorney at the telephone number indicated below to arrange for disposition of this case.

Attached hereto is a marked-up version of the changes made to the specification and the claims by the current amendment. The attached page is captioned "**Version of Amendments with Markings to Show Changes Made.**"

In the event that this paper is not timely filed, applicants petition for an appropriate extension of time. The fees for such an extension, or any other fees which may be due, may be charged to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosures: Version of Amendments with Markings to Show Changes Made
Request for Approval of Drawing Changes

VERSION OF AMENDMENTS WITH MARKINGS TO SHOW CHANGES MADE
IN THE SPECIFICATION:

Replace the paragraph beginning at page 16, line 25, with the following rewritten paragraph:

In Fig. 3, it is desirable that the shape of a lower portion of the metal element 32 is intrinsically a curve laterally symmetric with respect to the center line CL. However, to determine a reference for setting the metal element 32 on a jig, it is desirable in the actual manufacture of the metal element 32 to cut the metal element 32, so that when a line parallel to the center line CL is drawn from each of the points c, c to provide a point [c', c'] C1, C1 of the intersection with the first line S1, a line connecting the points [c', c'] C1, C1 is straight.